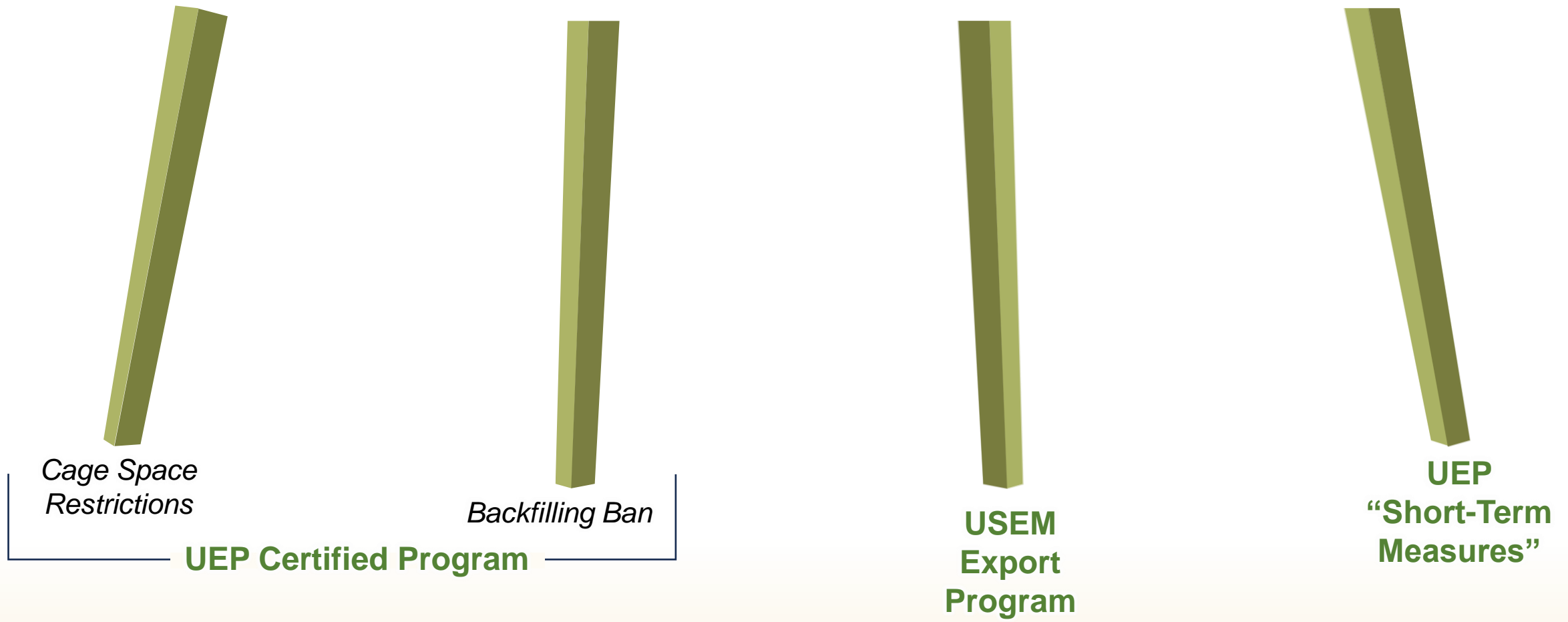




Plaintiffs' Conspiracy Claim



The Damages Period

Damages Start:
Oct 2004

Damages End:
Dec 2008

2004

2005

2006

2007

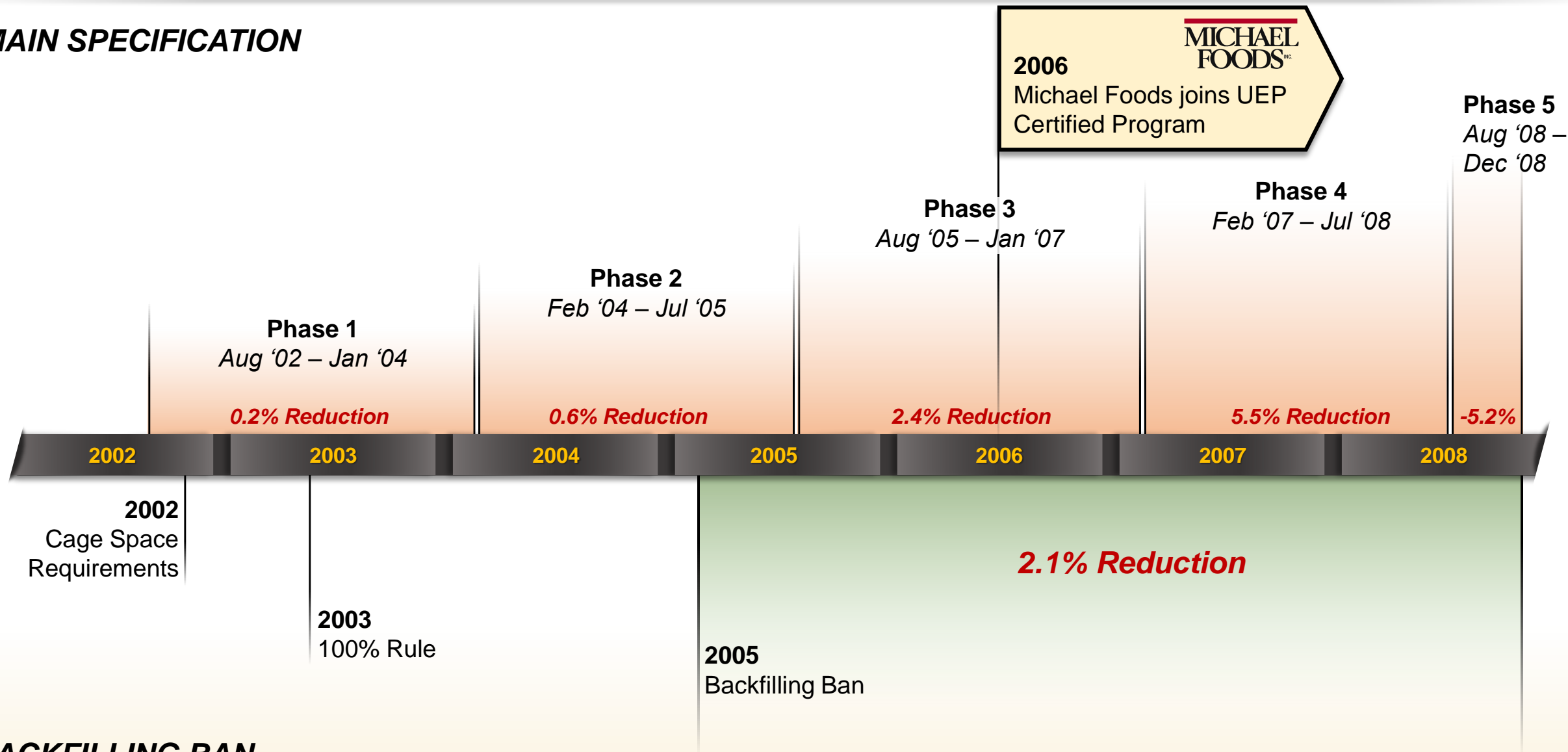
2008

The Producers



Dr. Baye's Egg Production Model Results

MAIN SPECIFICATION



BACKFILLING BAN

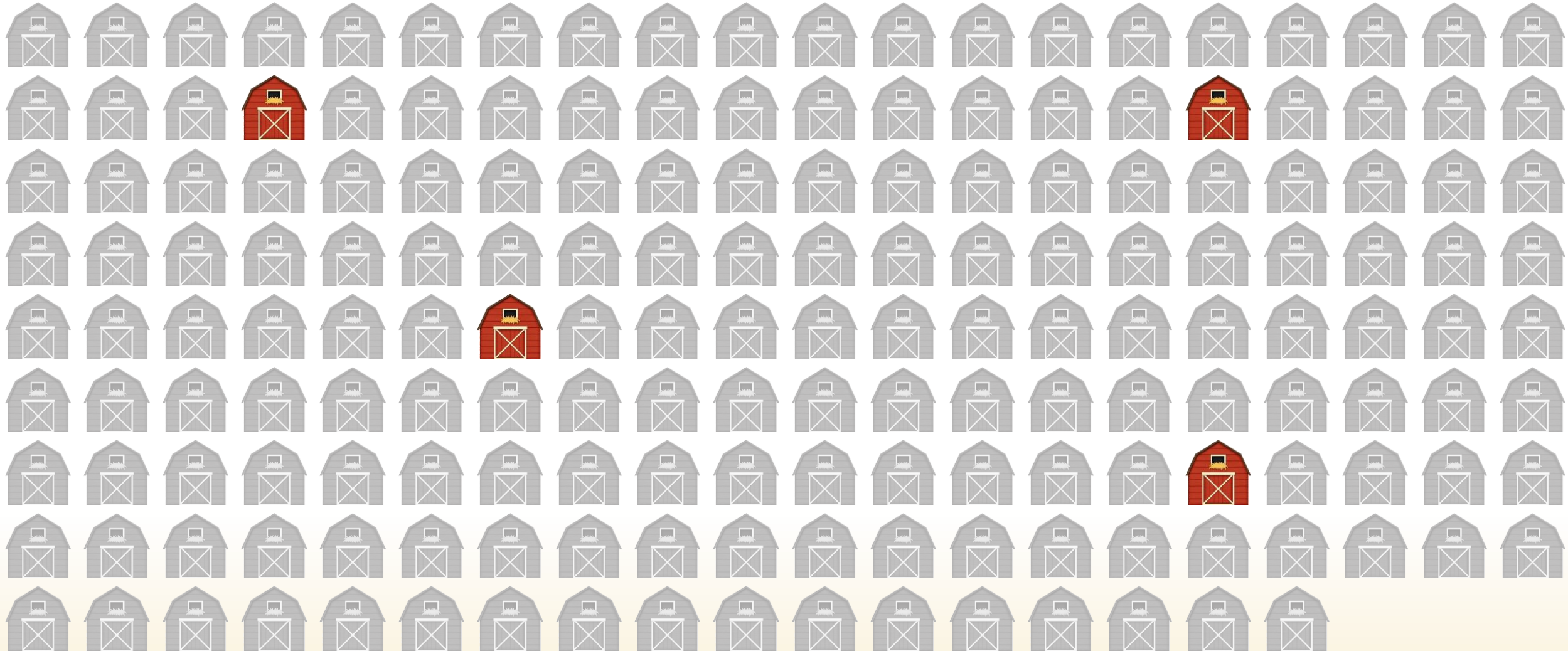
Dr. Baye's Method Is Based On 177 Producers

Dr. Baye: **177 Producers**



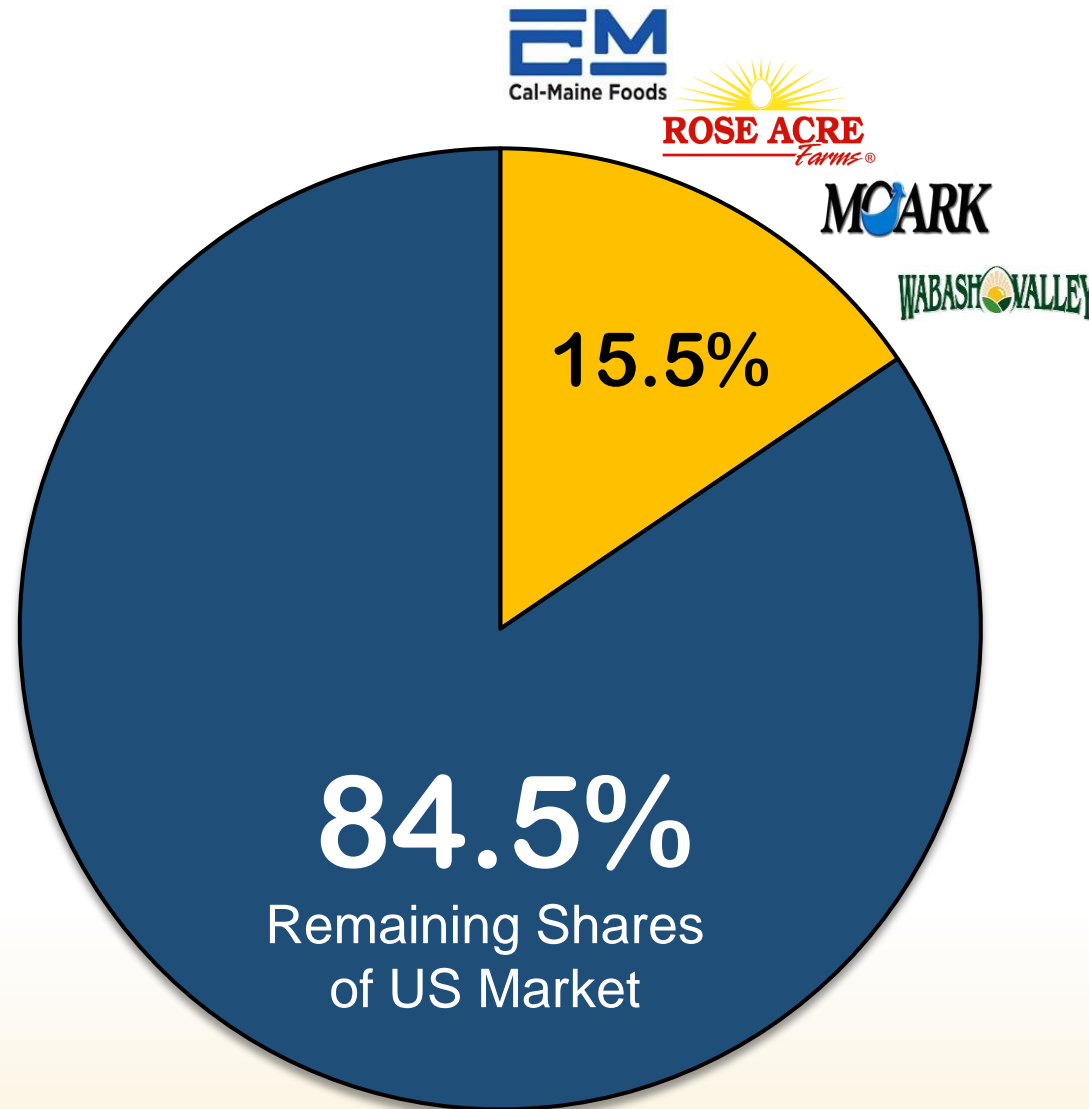
Only 4 Producers Found To Be In The Conspiracy

Remaining: 4 Producers



Absence of Market Power

2004



The Damages Period

Damages Start:

Oct 2004

Damages End:

Dec 2008

June 2007



Kraft begins demanding
Certified egg products

2004

2005

2006

2007

2008

June 2007: Kraft Begins Demanding Certified Egg Products



KRAFT FOODS GLOBAL INC./ROSE ACRE FARMS INC.
AMENDMENT TO
EGG PRODUCT SUPPLY AGREEMENT

DATED JUNE 28, 2005

THIS AMENDMENT, effective June 28, 2007, is entered into with respect to that certain Egg Supply Agreement effective the 1st day of May 2004 ("Agreement"), between Kraft Foods Global, Inc. ("Kraft") and Rose Acre Farms ("RAF").

This Amendment shall be fully incorporated into the Agreement and any conflict between the Agreement and this Amendment shall be resolved in favor of this Amendment. All capitalized terms used in this Amendment shall have the meaning given them in the Master Supply Agreement or the Agreement (as the case may be), unless otherwise defined herein.

Pursuant to the foregoing, Kraft and RAF specifically agree as follows:

Contract Term: The extended term will cover Kraft needs as of July 1, 2007 through June 30, 2008.

Service Performance: Kraft requires RAF to self monitor Order Fill and On-Time Deliveries and send monthly updates.

Pricing Process: Monthly pricing will be based on the Urner Barry certified markets. On any day that the certified market is not quoted the non-certified market quote will be used. The differential between the non-certified market quote and the certified market quote will be capped at \$4 per hundred-weight (cwt).

Other Terms: Kraft Animal Welfare policy will be fully incorporated in this Amendment (See attached Exhibit).

Our authorized representatives execute this document by signing below. We may sign separate copies.

Rose Acre Farms

Kraft Foods Global, Inc.

MCwCFCdLlRpTgSqa5AY1VIO7IfEW1A
zAhRt225hP/sJT4mloVT93n9zJDFiQ==

MC9CFOCRBZ8yr9CUEYw+6bFaK7141x
UUQIUJQV7MnaVnzZV+aMYE5SgBrPzfx

Y=
Signature
JOSE ROJO

HIGHLY CONFIDENTIAL

KRA00053201

DEFENDANTS'
EXHIBIT
Case No. 1:11-cv-08808
D-0110

D-0110-0001 of 0002

0110 2007.06.28_Amendment to Egg Product Supply Agm_KRA00053201

Kraft Animal Welfare Policy

Supplier must comply with:

- (i) The Federal Humane Slaughter Act (as applicable); and,
- (ii) Industry standards prescribed by (a) the American Meat Institute (specifically "AMI Foundation Recommended Animal Handling Guidelines and Audit Guide, 2005 Edition"), (b) the National Chicken Council (specifically "NCC Animal Welfare Guidelines and Audit Checklist, as of April 2005"), (c) the National Turkey Federation (specifically "NTF Animal Care For the Production of Turkeys: Slaughter Guidelines and/or Production Guidelines"), and (d) the United Egg Producers (specifically "United Egg Producers Animal Husbandry Guidelines for U.S. Egg Laying Flocks (2006 Edition)") (as applicable).

Supplier must keep up to date and comply with the most recent versions of the above.

Supplier shall maintain United Egg Producers Certified status, if applicable. Supplier shall have audits conducted annually by a third party for AMI, NCC, and NTF standards and will provide the results to Kraft upon request. If Supplier fails an audit, it will immediately notify Kraft, providing the date and location of the failed audit and a detailed remediation plan acceptable to Kraft, including the corrective steps, timeline, and re-audit date. Supplier will fulfill the remediation plan in all respects.

The Damages Period

Damages Start:

Oct 2004

Damages End:

Dec 2008



2006

Nestle begins demanding
Certified egg products



June 2007

Kraft begins demanding
Certified egg products

2004

2005

2006

2007

2008

2006: Nestle Begins Demanding Certified Egg Products



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., et al.,
Plaintiffs,
v.
UNITED EGG PRODUCERS, INC., et al.,
Defendants.

Case No. 1:11-cv-08808
Judge Steven C. Seeger

STIPULATION

REDACTED

11 Nestle, through its undersign counsel, hereby STIPULATES and AGREES that the following representations are true and correct, and shall have the same force and effect as an admission under Fed. R. Civ. P. 36:

- a. In 2004, 2006 and 2008, Michael Foods made proposals to Nestle under which the price Nestle would pay for egg products would be determined under a grain-based formula. In 2008, Rose Acre also made a proposal to Nestle under which the price Nestle would pay for egg products would be determined under a grain-based formula.
- b. In 2006, Dreyer's, a Nestle's affiliate, began to include UEP certification as a requirement for the sugared yolks that Dreyer's purchased from Michael Foods, and thereafter purchased UEP Certified egg products from Michael Foods.

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DEFENDANTS'
EXHIBIT
Case No. 1:11-cv-08808
D-0175

D-01

In 2006, Michael Foods and Nestle discussed a price premium for UEP certified egg products for Dreyer's, which Nestle thereafter paid to Michael Foods to purchase UEP Certified egg products for Dreyer's.

Dreyer's chose to require UEP Certified eggs in 2006 because it was concerned about unfavorable comparisons between itself and Ben & Jerry's, which had made announcements about changing its egg sourcing practices based on animal welfare concerns, and because of pressure from senior management due to outside pressure based on animal welfare concerns. Specifically, representatives from the Humane Society of the United States contacted Nestle.

The Damages Period

Damages Start:

Oct 2004

Damages End:

Dec 2008

2005-2008

Kellogg demands Certified egg products

Kellogg's



2006

Nestle begins demanding
Certified egg products



June 2007

Kraft begins demanding
Certified egg products

2004

2005

2006

2007

2008

2005-2008: Kellogg Demands Certified Egg Products



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KRAFT FOODS GLOBAL, INC., et al.,

Plaintiffs,

v.

UNITED EGG PRODUCERS, INC., et al.,

Defendants.

PLAINTIFFS' OBJECTIONS
FIRST SET OF

2. Admit that You have sought to purchase UEP Certified eggs or egg products.

RESPONSE: Admitted with respect to Plaintiffs Kraft Kellogg, and Nestle. Denied as to Plaintiff General Mills.

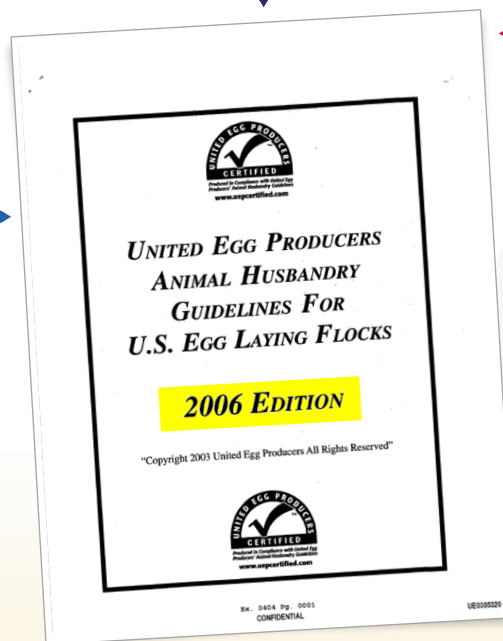
6. Admit that You have required that one or more of Your suppliers provide You with eggs or egg products that were UEP Certified.

RESPONSE: Admitted with respect to Plaintiffs Kraft Kellogg, and Nestle. Denied as to Plaintiff General Mills.

DEFENDANT
EXHIBIT
Case No. 1:11-cv-08808
D-0142

0142 2014.05.30_Response to Request to Admit

What Are The Damages?



- **Henhouse density requirements**
 - *Cage-space*
 - *House averaging*
 - *100% Rule*
 - *Audits*
- **Backfilling ban**